IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 23978 OF 2005

Date: 10.11.2005

BETWEEN:

1. Kukkala Subba Reddy and others

…. PETITIONERS

And

1. The Mandal Revenue Officer, Kothapatnam Mandal, Prakasam District, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 23978 OF 2005

ORDER:

The land in S.Nos.1763 to 1770 admeasuring Acs.64.83 of Vajjireddipalem, Hamlet of Alluru village, Kothapatnam Mandal of Prakasam District, is Government land. It appears, the competent authority assigned the land to 72 persons in the year 1974. On an allegation that the petitioners and 60 others did not bring the land to cultivation, converted the agricultural land into fishing tanks, and alienated the land to others, the Mandal Revenue Officer (MRO) cancelled their pattas and ordered resumption of land. Though, the MRO passed orders admittedly on 3.9.1994, curiously, the petitioners feigning ignorance filed appeals before the Revenue Divisional Officer in the year 2001. Initially these appeals were dismissed for default and on an application made by the petitioners and others, the same were restored, and by an order, dated 30.6.2005 the appeals were dismissed confirming the orders of the original authority. Aggrieved by the same, the petitioners preferred an appeal/revision before the Joint Collector, Prakasam District, who by order dated 30.9.2005 rejected the appeal. The petitioners again approached the Chief Commissioner of Land Administration (CCLA),

Hyderabad by filing further revision petition/appeal petition, which is still pending. In the meanwhile, apprehending that there is a threat of dispossession, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (Assignment). It is now well settled that when the aggrieved persons have already availed the statutory appeal or other alternative remedy, a writ petition would not lie. All matters should await adjudication before the appropriate appellate/revisional authority, before any writ petition can be entertained. Therefore, liberty is given to the petitioners to approach CCLA for appropriate interim orders, as well as expeditious disposal of the matter. The petitioners have filed revision/appeal petition before the CCLA on 22.10.2005 and therefore, the CCLA is directed to send for the records from the lower authorities, and dispose of the revision/appeal petition within a period of eight weeks from the date of receipt of a copy of this order.

The MRO admittedly resumed the land in September 1994, and therefore, this Court is not inclined to pass any orders regarding the possession. It shall be open to the petitioners to approach the CCLA and obtain appropriate orders. The Writ Petition, with the above observations and directions, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

10th November, 2005

Js.